

REMARKS

Claims 1-16 are all the pending claims, with claims 1 and 9 being written in independent form.

The Examiner continues to reject claims 1-16 under 35 U.S.C. 103(a) as being obvious over U.S. 5,974,572 to Weinberg et al. ("Weinberg"). Indeed, comparing the final rejection with the Examiner's first Office Action, it appears that large portions of the final rejection are **word-for-word** identical to the rejections previously made. Thus, it can be safely assumed that the Examiner's position and his reasoning have not changed.

A. Previous Arguments Still Valid:

Applicants still believe that the rejection position is incorrect for essentially the same reasons presented in the January 2, 2004 Amendment. In brief, the Examiner cites a section of Weinberg wherein a load is produced, in which multiple client requests can be pending at one time, noting that this is commonly the case when a large number of concurrent visitors are accessing the site. This is discussed in column 32 of Weinberg. The Examiner attempts to utilize the large number of concurrent visitors, to meet the feature of claims 1 and 9 in which at least one automation object can be worked on (or is usable) by users in parallel. Applicants respectfully disagree.

Weinberg, at best, allows for large number of concurrent visitors to access the site, but this does not equate to a system which permits at least one automation object to be worked on (or used) by a number of users in parallel. Merely visiting the site does not even permit access to at least one automation object, let alone parallel work on that automation object. Weinberg provides no solution to a type of automation system which makes it possible for automation solutions to be created on a parallel and/or distributed basis, as can be achieved by the automation system as claimed in claims 1 and 9 for example.

B. Further Amendments for Clarification:

In an effort to expedite prosecution, Applicants further amend independent claims 1 and 9 to recite that users may work on the automation object in parallel --*to create automation solutions*--, noting that this specific feature finds express written description support in the specification at paragraph [0005], for example. The further claim amendments are believed to more clearly distinguish the “work” feature of the claimed invention from the mere “access” feature disclosed by Weinberg.

Applicants also enclose US Patent Application Publication No 2002/0072819 A1 for the Examiner’s review and consideration. The Publication provides one explanation of “automation objects” and the process of creating an automation object. (See paragraphs [0006], [0008], and [0021], for example).

C. Additional Arguments:

In the final Office Action, the Examiner continues to compare Weinberg’s node object 115 (see Fig. 8) to the “automation object” defined by claims 1 and 9. The Examiner also continues to point out that several visitors may concurrently access the site, which implies that the visitors work on the site in parallel. This line of reasoning is not convincing.

Weinberg does indicate that during a load testing process, web scripts are run by sequentially submitting request messages to the site. This produces a load in which multiple client requests can be pending at-a-time, as is commonly the case when large numbers of concurrent visitors are accessing the site.¹ However, the Examiner fails to appreciate that Weinberg’s node object 115 is not part of the site, but is instead a constituent element of a separate and distinct system for load testing web sites.

¹ Weinberg (32:48-58).

More specifically, the node object 115 represents a node (URL) of a site map.² The site map (which is created by an Astra program) is a graph of all of the URLs of the site and the links between the URLs. In this regard, the site map (inclusive of the node object 115) is a model of the site, but it is **not** part of the web site itself. Certainly then, the visitors of the web site do not work on (or even access for that matter) the node object 115, or any other part of the Astra program. The Examiner assertions to the contrary are simply incorrect. For this reason alone, the Examiner's rejection position should fail.

For at least these reasons, Applicants respectfully submit that claims 1 and 9 are patentable, and that claims 2-8 and 10-16 are patentable at least by virtue of their dependencies.

² Weinberg (19:15-17).

Amendment Under 37 C.F.R. § 1.116
U.S. Appln. No. 09/936,047
Attorney Docket No. 32860-000171/US


CONCLUSION

If any matters remain at issue in the application, the Examiner is invited to contact the undersigned at (703) 668-8000 in the Northern Virginia area, for the purpose of a telephonic interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY & PIERCE, P.L.C.

By 
Ray Hefflin
Reg. No. 41,060

P.O. Box 8910
Reston, VA 20195
(703) 668-8000

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